

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C 20554**

In the Matter of:

Implementing a Nationwide,
Broadband, Interoperable Public Safety
Network in the 700 MHz Band

PS Docket No. 06-229

Development of Operational Technical
And Spectrum Requirements for
Meeting Federal, State, and Local Public
Safety Communications Requirements
Through the Year 2010

WT Docket No. 96-86

**COMMENTS OF THE COUNTY OF ORANGE, CALIFORNIA
ON
THE PROPOSAL OF THE FEDERAL COMMUNICATIONS COMMISSION
FOR THE IMPLEMENTATION OF A NATIONWIDE, BROADBAND,
INTEROPERABLE PUBLIC SAFETY NETWORK IN THE 700 MHZ BAND**

I. BACKGROUND

The County of Orange, California (“County”) respectfully submits these Comments on the Ninth Notice of Proposed Rulemaking (“Ninth NPRM”) and the Commission’s Proposal for the Implementation of a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band (“Broadband Proposal”).

The County has serious concerns regarding this proposal and its impact on local and regional mission critical grade interoperable communications and our future ability to effectively communicate during disaster response or recovery operations. The County believes that although a nationwide public safety 700 MHz system has merits, the implications of this proposal and its adverse impact will greatly outweigh the benefits of such a network and have far reaching negative impacts over many years. The FCC has graciously considered public safety needs as it cleared the 700 MHz band and is providing the greatest allocation of voice 700 MHz channels in history to improve local and regional public safety emergency communications and interoperability. This available voice spectrum (February, 2009) will provide voice interoperability in the greater Orange County, California Area, allowing effective communications with our public safety partners, including

transportation security partners, and allow relief for congested channels after many years without new spectrum availability.

1 of 4

Though we applaud the Commission's significant effort in providing this "voice" portion of the 700 MHz spectrum, we are quite concerned about this Proposal which virtually eliminates any opportunity to construct, own, or implement mission critical wideband and broadband systems for local and regional public safety use. The Commission's proposal does not fully consider the needs and requirements of public safety first responders and as a result, favors the commercial sector to the detriment of public safety. The County urges the Commission to cease activities in support of this unworkable proposal and to seriously consider these comments:

The County has serious concerns with the following assumptions or proposed actions:

- The Proposal modifies the current 700 MHz band plan so that public safety owned/operated wideband channels and system are no longer allowed. The Proposal does not allow for individual or regional public safety agencies to license mission critical, secure public safety owned high-speed data networks in the 700 MHz band other than in narrowband channels only.
- The Proposal restricts public safety users to one broadband network, under a single license and under the ownership of a commercial entity. Options for local or regional broadband data systems with specific coverage requirements or other mission critical public safety customized features would not be allowed.
- It would appear that a national carrier or vendor would determine service areas and coverage based on profits rather than public safety needs/requirements
- The Proposal would force public safety users to participate, at unknown costs and at the mercy of a commercial interest, in a nationwide monopoly.
- Public safety agencies with the need or desire to own their own data networks or leverage their existing city or regional infrastructure assets would be forced into meeting those data needs within narrowband channelization—which would reduce available bandwidth for voice communication.
- The Proposal takes away dedicated public safety spectrum.

- The Proposal as written, threatens local and regional planning efforts and severely restricts operational decisions about data systems and interoperable communications deployment at the regional level.

II. DISCUSSION

The Ninth NPRM takes away local and regional control of interoperability planning in favor of a “one size fits all” “national standard” for public safety broadband. By disempowering and excluding Regional Planning Committees (RPC’s) from the planning and development process, the Proposal eliminates the ability of local, regional, and state public safety users to define their interoperable communications needs from both a technical and development perspective. Local and regional public safety users have critical interdependencies and needs that require regional coordination and planning for an effective emergency response and expedited recovery.

2 of 4

Though data communications is important for effective response and recovery to disasters for both the private and public sector, the creation of “shared systems” will result in overloaded and failed networks during disasters—as both sectors will be competing for the same “bandwidth”.

While technology may be a part of the interoperable communications solution, more often the problem is of a human nature. Memorandums of Understanding between multiple agencies, at the local and regional level as well as appropriate procedures, protocol, and training are critical to solving the problem of interoperable communications. A Federal mandate for technology will not solve the interoperable communications problem. While interoperable communications may be a national problem, the solution lies in regional coordination, planning and control.

For the most part, our lack of resolution of communications interoperability has been because of a lack of available spectrum. We have been waiting for spectrum to support new technologies such as broadband high-speed data and real-time video, along with traditional interoperable voice communications. Some local agencies have already purchased radio hardware that includes 700 MHz narrowband voice capability. Others are currently writing proposals and seeking funding to develop local and regional broadband interoperable networks. To do anything else right now includes a substantial loss of expended labor and money for local and regional public safety organizations.

We urge the Commission to consider the following important and critical issues.

- At this place in time and after “9-11 and Katrina”, there is still no nationwide public safety and federal government interoperable telecommunications system in place. This is of the highest priority to public safety.
- There is inadequate and questionable Governance for the proposed commercial 700 MHz broadband system to assure that public safety’s interests will remain the first priority.
- There is a great concern that over time, the proposed commercial 700 MHz shared commercial/public safety network may experience a shift in user percentages, where more and more commercial users become necessary to overcome increased network operating costs.
- There is no obvious program for this commercial system to roll-back a guaranteed percentage of revenues into the network to assure continued growth, maintenance, upgrade, and replacement as technology evolves.
- Rural and sparsely populated regions of the country will not necessarily benefit from the same level of broadband network services or coverage as for metropolitan areas. For major disasters in these rural areas, the network will not exist to support the necessary level of public safety interoperability.

3 of 4

- As you are well aware, the FCC does not possess authority to reallocate dedicated public safety spectrum to a commercial, for-profit entity. Congress may enact such changes in spectrum management law and protocol, but it sets dangerous precedent that may erode the effectiveness of public safety to nationally interoperate and communicate at will with local, state, regional, and federal organizations.
- As with commercial cable and wireless networks, the service provider typically offers a basic level of service for subscribers. Desired or premium public safety communications may bear a monthly recurrent user fee that is unfunded, and for which local and regional public safety organizations cannot support.
- There is no obvious provision in the Proposal to identify the need or to secure funding for purchase, maintenance, upgrades, and replacement costs for subscriber hardware for all public safety users to actually benefit from this “free” network.

III. CONCLUSION

The County strongly objects to this 700 MHz Broadband Proposal from the Commission and requests that additional study of this issue be performed prior to proceeding. The County highly recommends that the Regional Planning Committees maintain a minimum of 75% control in the 700 MHz public safety broadband spectrum for regional or local control/coordination and that a maximum of 25% be allocated for a nationwide 700 MHz broadband network as an “option” for public safety. The County recommends that all spectrum licensing issues still be required to coordinate through the RPC’s similar to other FCC coordination requirements for other bands to ensure interoperable communications.

The County of Orange, California respectfully urges that the issues articulated in these comments be reviewed fully—with results of that review made available to the public safety community.

Respectfully submitted,

Robert Stoffel, Director
Communications Division
Orange County Sheriff’s Department
840 N. Eckhoff St., Suite 104
Orange, Calif. 92868-1021